

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. **990** Session of
1919.

INTRODUCED BY MR. GOLDER, MARCH 18, 1919.

REFERRED TO COMMITTEE ON MILITARY, MARCH 19, 1919.

AN ACT

To amend section twenty-two of the act approved the third day of May one thousand nine hundred seventeen (Pamphlet Laws one hundred thirteen) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth"

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 section twenty-two of the act approved the third day of
5 May one thousand nine hundred seventeen (Pamphlet Laws
6 one hundred thirteen) entitled "An act providing for the
7 organization government discipline maintenance and regulation
8 of the armed land forces of this Commonwealth" which
9 reads as follows

10 "Section 22 Commissioned officers who shall have served
11 forty years either as an officer or enlisted man or both
12 in the Pennsylvania National Guard shall upon application

1 made to the Adjutant General be retired from active
2 service and placed upon the retired list as of the next
3 higher grade except a major general whose grade upon
4 the retired list shall remain the same and when any
5 commissioned officer is sixty-four years of age he shall
6 be retired from active service and may be placed
7 upon the retired list as of the next higher
8 grade except a major general whose grade on the re-
9 tired list shall remain the same Provided That service
10 in the volunteer forces of the United States or in the
11 army Navy or Marine Corps thereof during the War for
12 the Suppression of the Rebellion or the War with Spain
13 in Mexican border service or in other Federal service
14 may be included as of twice its actual length in com-
15 puting the forty years of service required for retirement
16 The Governor as Commander-in-Chief shall have power and
17 is hereby authorized to relieve from active service and
18 place upon the retired list as of the next higher grade
19 any commissioned officer who has served continuously in
20 any one grade for fifteen years The commission of any
21 officer so relieved from active duty and placed upon the
22 retired list shall be considered as terminated and the
23 office held by him as vacated When an officer has be-
24 come incapable from any cause of performing the duties
25 of his office he may be ordered before an efficiency
26 board created as herein provided and sitting as a re-
27 tiring board If he is found disqualified by reason of
28 physical disability incurred in the line of duty he may
29 be retired as of the next higher grade but if he is

1 found disqualified for any other reason he shall be re-
2 tired without increase in grade The action of every such
3 board shall be subject to the approval of the Governor
4 as Commander-in-Chief" is hereby amended to read as follows
5 Section 22 Commissioned officers who shall have served
6 forty years either as an officer or enlisted man or both
7 in the Pennsylvania National Guard shall upon application
8 made to the Adjutant General be retired from active
9 service and placed upon the retired list as of the next
10 higher grade except a major general whose grade upon
11 the retired list shall remain the same and when any
12 commissioned officer is sixty-four years of age he shall
13 be retired from active service and may be placed upon
14 the retired list as of the next higher grade except a
15 major general whose grade on the retired list shall re-
16 main the same Provided That service in the volunteer
17 forces of the United States or in the army Navy or
18 Marine Corps thereof during the War for the Suppression
19 of the Rebellion or the War with Spain in Mexican
20 border service or in other Federal service may be in-
21 cluded as of twice its actual length in computing the
22 forty years of service required for retirement The Gov-
23 ernor as Commander-in-Chief shall have power and is
24 hereby authorized to relieve from active service and place
25 upon the retired list as of the next higher grade any
26 commissioned officer who has served continuously in any
27 one grade for fifteen years The commission of any officer
28 so relieved from active duty and placed upon the re-
29 tired list shall be considered as terminated and the office

1 held by him as vacated. When an officer has become
 2 incapable from any cause of performing the duties of his
 3 office he may be ordered before an efficiency board
 4 created as herein provided and sitting as a retiring board.
 5 If he is found disqualified by reason of physical dis-
 6 ability incurred in the line of duty he may be retired
 7 as of the next higher grade but if he is found dis-
 8 qualified for any other reason he shall be retired with-
 9 out increase in grade. The action of every such board
 10 shall be subject to the approval of the Governor as
 11 Commander-in-Chief.

12 Any officer who shall have served under a commission
 13 in the Pennsylvania National Guard or Pennsylvania Re-
 14 serve Militia may be placed upon the retired list of the
 15 Pennsylvania National Guard upon his own application as
 16 of the highest grade he may have held provided he
 17 shall have been in continuous commission or otherwise as
 18 an officer of the said Pennsylvania National Guard or
 19 Pennsylvania Reserve Militia or both for a period of at
 20 least ten years in the aggregate. Provided that service in
 21 the volunteer forces of the United States in the War
 22 with Spain in Mexican border service or in any other
 23 Federal service may be computed as of twice its actual
 24 length and shall be entitled to wear the uniform of
 25 said highest grade as a retired officer of the Pennsylvania
 26 National Guard on proper military or semi military oc-
 27 casions.